

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

HP INC., a Delaware corporation; and
**HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.**, a Texas limited
partnership,

Plaintiffs,

v.

ZTHY TECH INC., a California corporation;
batterymon16, an entity of unknown form;
ehome007, an entity of unknown form;
elecbrain15, an entity of unknown form;
Idallian, an entity of unknown form; **irelia_jt**,
an entity of unknown form; **lol-electronic**, an
entity of unknown form; **shop-siker**, an entity
of unknown form; **shunwei2014**, an entity of
unknown form; **sunflower-electronic**, an
entity of unknown form; **suntek-wireless**, an
entity of unknown form; **yolanda_dh1**, an
entity of unknown form; and **DOES 1
through 20**,

Defendants.

Case No._1:19-cv-07210-RPK-RER

PROOF OF SERVICE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the county of aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is One Embarcadero Center, Twenty-Second Floor, San Francisco, CA 94111-3711.

On Tuesday, October 20, 2020, I served via First Legal [Proof of Service attached], true copies of the following letter and accompanying documentation directing Paypal, Inc. to release funds to counsel for Plaintiff in the captioned matter:

- **LETTER TO PAYPAL, INC. DATED OCTOBER 19, 2020**
- **STIPULATION FOR ORDER RELEASING FUNDS HELD BY PAYPAL, INC.**
- **PROPOSED ORDER DIRECTING PAYPAL, INC. TO RELEASE FUNDS**
- **ECF NOTICE SHOWING COURT'S ENTRY OF PROPOSED ORDER**
- **FIRST LEGAL PROOF OF SERVICE TO PAYPAL, INC.**

on the interested party in this action as follows:

PayPal, Inc. c/o CT Corporation System,
Agent for Service of Process
Albert Damonte

818 West Seventh Street, Suite 930
Los Angeles, CA 90017

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 22, 2020, at Walnut Creek, California.

/s/ *Brenda Dolly*

Brenda Dolly



One Embarcadero Center, Twenty-Second Floor
San Francisco, California 94111-3711
Telephone: (415) 392-1960
Facsimile: (415) 392-0827

Louis P. Feuchtbau

lfeuchtbau@sideman.com
(415) 733-3905

October 19, 2020

VIA MESSENGER

PayPal, Inc.
c/o CT Corporation System
818 West Seventh Street,
Suite 930
Los Angeles, CA 90017

Re: Order Directing Release of Funds in *HP, Inc., et. al., v. Zthy Tech, Inc., et. al.*, Case No. 1:19-cv-7210 (E.D.N.Y.)

Dear Sir:

PayPal, Inc. (“PayPal”) was previously served with an order from the Court in the above-captioned matter, which directed it to freeze the funds held in certain PayPal accounts. Among these were all accounts associated with the following eBay seller names:

1. elecbrain15,
2. lol-electronic,
3. shunwei2014, and
4. sunflower-electronic.

The Court has now issued an order that directs PayPal to release all funds held in those accounts to Plaintiffs, via my law firm and as detailed in that order. The order also directs PayPal to provide an accounting of all funds held in these accounts.

The Order is Exhibit A to a stipulation that was filed with the Court, and that is included with this letter as “Attachment 1.” The Court enacted the Order via an ECF notification, which is included as “Attachment 2.”

PayPal, Inc.
October 19, 2020
Page 2

Your prompt attention to this would be greatly appreciated. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Louis P. Feuchbaum

Attachments: (1) Stipulation and Proposed Order;
(2) ECF Notice Showing Court's Entry of Proposed Order

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ATTACHMENT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

HP INC., a Delaware corporation; and
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entity of unknown form; **suntek-wireless**, an
entity of unknown form; **yolanda_dh1**, an
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through 20**,

Defendants.

Case No. 1:19-cv-07210-RPK-RER

**STIPULATION FOR ORDER
RELEASING FUNDS HELD BY PAYPAL,
INC.**

Judge: Honorable Rachel P. Kovner

STIPULATION

Plaintiffs HP, INC. and HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P. along with defendants elecbrain15, lol-electronic, shunwei2014, and sunflower-electronic (“Defendants; ”collectively, Plaintiffs and Defendants shall be referred to as the “Parties Concerned”) hereby stipulate and agree to this request for an Order that will direct PayPal, Inc. (“PayPal”) to release to Plaintiffs’ counsel funds held in certain accounts belonging to Defendants that have been restrained by previous orders of this Court. This transfer of funds is part of the bargained for consideration that the Parties Concerned have agreed must be provided as a condition precedent to settling this matter.

This Court has issued two Orders that directed PayPal to restrain funds belonging to Defendants that are held by PayPal. See Temporary Restraining Order (ECF Document # [“Doc.”] 13]); Order Entering A Preliminary Injunction (Doc. 34). The Order requested by this

stipulation is necessary to liberate the funds frozen by those Court Orders.

The Parties Concerned hereby agree and request that the Court enter an Order that directs PayPal to release to Plaintiffs, through their counsel, the funds frozen in each of the Defendant's PayPal accounts in order to help give effect to the settlement; and, that will allow PayPal to reactivate Defendants' PayPal accounts, upon receiving notice from Plaintiffs' counsel, after Defendants' obligations under the settlement agreement have been fully performed. The Proposed Order, attached as Exhibit A to this Stipulation, is acceptable to the Parties Concerned.

IT IS SO STIPULATED AND AGREED:

Dated: October 1, 2020

/s/ Louis P. Feuchtbaum

Louis P. Feuchtbaum
SIDEMAN & BANCROFT LLP
One Embarcadero Center, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 392-1960
Email: lfeuchtbaum@sideman.com

Counsel for Plaintiffs HP Inc. and Hewlett-Packard Development Company, L.P.

Dated: October 1, 2020

/s/ Timothy T. Wang

Timothy T. Wang
NI, WANG & MASSAND, PLLC
8140 Walnut Hill Ln., Ste. 500
Dallas, TX 75231
Tel: (972) 331-4603
Fax: (972) 314-0900
E-mail: twang@nilawfirm.com

Attorney for Defendants Zthy Tech, Inc. and batterymon16

DECLARATION OF CONSENT OBTAINED FROM SIGNATORIES

I, Louis P. Feuchtbaum, hereby attest and declare, subject to penalty of perjury under the laws of the United States, that Timothy T. Wang, counsel for Defendants, agreed to this stipulation and authorized me to indicate his assent by affixing his electronic signature to this document.

Dated: October 1, 2020

/s/ Louis P. Feuchtbaum

Louis P. Feuchtbaum
SIDEMAN & BANCROFT LLP
One Embarcadero Center, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 392-1960
Email: lfeuchtbaum@sideman.com

Counsel for Plaintiffs HP Inc. and Hewlett-Packard Development Company, L.P.

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

HP INC., a Delaware corporation; and
**HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.**, a Texas limited
partnership,

Plaintiffs,

v.

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unknown form; **sunflower-electronic**, an
entity of unknown form; **suntek-wireless**, an
entity of unknown form; **yolanda_dh1**, an
entity of unknown form; and **DOES 1
through 20**,

Subject Defendants.

Case No. 1:19-cv-07210-RPK-RER

**[PROPOSED] ORDER DIRECTING
PAYPAL, INC. TO RELEASE FUNDS**

Rachel P. Kovner, United States District Judge:

This Order directs PayPal, Inc. (“PayPal”) to release funds to counsel for Plaintiffs in the above-captioned matter, as described more fully below. This Court previously entered several Orders that froze funds held in all PayPal accounts associated with the following eBay seller names:

1. elecbrain15,
2. lol-electronic,
3. shunwei2014, and
4. sunflower-electronic.

By a stipulation that Plaintiffs HP, INC. and HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P. (“Plaintiffs”) entered into with these defendants, all funds frozen by PayPal are to be released to Plaintiffs, through their counsel.

ORDER

IT IS THEREFORE HEREBY ORDERED THAT:

A. PayPal shall promptly release to Sideman and Bancroft, LLP, counsel for Plaintiffs, all funds belonging to the following parties that are being held by PayPal:

1. elecbrain15,
2. lol-electronic,
3. shunwei2014, and
4. sunflower-electronic.

B. PayPal shall make this transfer by either:

(1) Mailing a check addressed to:

Sideman & Bancroft, LLP; IOLTA Account
One Embarcadero Center, 22nd Floor;
San Francisco, CA 94111; or

(2) By making a wire transfer of those funds to the following account:

UNION BANK
1980 Saturn Street
Monterey Park, CA 91755
ABA ROUTE # 122000496

FOR CREDIT TO:

Sideman & Bancroft LLP, IOLTA Account
One Embarcadero Center, Twenty-Second Floor
San Francisco, CA 94111-3711
ACCOUNT #: 0012078606

C. PayPal shall provide to Plaintiffs' counsel an accounting of these funds, showing any transactions that affected the balance in any of these defendants' PayPal accounts, from the date that PayPal was served with the initial Order freezing those funds through the present.

D. Upon receiving written notice from Plaintiffs' counsel, PayPal may reactivate these defendants' PayPal accounts.

SO ORDERED.

By: _____

RACHEL P. KOVNER
United States Judge

Dated: Brooklyn, New York
October __, 2020

ATTACHMENT 2

Feuchtbaum, Louis P.

From: ecf_bounces@nyed.uscourts.gov
Sent: Wednesday, October 7, 2020 1:56 PM
To: nobody@nyed.uscourts.gov
Subject: [EXTERNAL] Activity in Case 1:19-cv-07210-RPK-RER HP Inc. et al v. ZTHY TECH INC. et al Order on Motion for Release of Funds

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 10/7/2020 at 4:56 PM EDT and filed on 10/7/2020

Case Name: HP Inc. et al v. ZTHY TECH INC. et al

Case Number: [1:19-cv-07210-RPK-RER](#)

Filer:

Document Number: No document attached

Docket Text:

ORDER granting [76] Motion for Release of Funds: The proposed order at [76] directing PayPal, Inc. to release funds is so-ordered. Ordered by Judge Rachel P. Kovner on 10/7/2020. (Liss, Jeremy)

1:19-cv-07210-RPK-RER Notice has been electronically mailed to:

Timothy T. Wang twang@nilawfirm.com, tim2074@yahoo.com

Louis Peter Feuchtbaum lfeuchtbaum@sideman.com, bdolly@sideman.com, lousails@aol.com, vvitullo@sideman.com

1:19-cv-07210-RPK-RER Notice will not be electronically mailed to:

<p>Attorney or Party without Attorney: LOUIS P. FEUCHTBAUM (#) SIDEMAN BANCROFT 1 EMBARCADERO CENTER 22ND SAN FRANCISCO , CA 94111 Telephone No: (415) 392-1960</p> <p>Attorney For: Plaintiff</p>		<p>For Court Use Only</p>		
		<p>Ref. No. or File No.:</p>		
<p>Insert name of Court, and Judicial District and Branch Court: IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK</p>				
<p>Plaintiff: HP INC., et al. Defendant: ZTHY TECH INC., et al.</p>				
<p>PROOF OF SERVICE</p>	<p>Hearing Date:</p>	<p>Time:</p>	<p>Dept/Div:</p>	<p>Case Number: 1:19-CV-07210-RPK-RER</p>

1. *At the time of service I was at least 18 years of age and not a party to this action.*
2. I served copies of the LETTER DATED OCTOBER 19, 2020; ATTACHMENT 1 STIPULATION FOR ORDER RELEASING FUNDS HELD BY PAYPAL, INC.; ATTACHMENT 2 ORDER GRANTING MOTION FOR RELEASE OF FUNDS
3.
 - a. *Party served:* PAYPAL, INC.
 - b. *Person served:* ALBERT DAMONTE, INTAKE SPECIALIST, CT CORPORATION SYSTEM, REGISTERED AGENT.
4. *Address where the party was served:* 818 WEST SEVENTH STREET SUITE 930, LOS ANGELES, CA 90017
5. *I served the party:*
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Tue, Oct 20 2020 (2) at: 09:55 AM
6. *Person Who Served Papers:*

a. Douglas Forrest (5141, Los Angeles)	d. <i>The Fee for Service was:</i> \$149.88
b. FIRST LEGAL	
1202 Howard Street	
SAN FRANCISCO, CA 94103	
c. (415) 626-3111	
7. *I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.*

10/20/2020

(Date)

(Signature)



PROOF OF SERVICE

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(7755170)